

Exhibit B

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3-2245/2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v -

INDICTMENT

GUY THOMAS FISHER,
a/k/a "Radio,"
a/k/a "Stick,"
FRANK ALPHONSO JAMES,
a/k/a "Black Frank,"
a/k/a "Alphonso James,"
WALLACE RICE,
ISHMAEL MUHAMMED,
a/k/a "Samuel Jones,"
a/k/a "Brother Jones,"
a/k/a "Brother,"
a/k/a "BJ,"
THOMAS FORMAN,
a/k/a "Gaps,"
ELMER THOMAS MORRIS, JR.,
a/k/a "Coco,"
a/k/a "William Barhem,"
JAMES WHEELINGS,
a/k/a "Tippy," a/k/a
"Jay Wagner"
KENNETH THOMAS,
a/k/a "Fat Kenny,"
a/k/a "China,"

SS 83 Cr. 150 (MP)

Defendants.

COUNT ONE

NARCOTICS CONSPIRACY

The Grand Jury charges:

1. From on or about January 1, 1972 and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere,

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the defendants, GUY THOMAS FISHER, a/k/a "Radio," a/k/a "Stick," FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James," WALLACE RICE, ISHMAEL MUHAMMED, a/k/a "Samuel Jones," a/k/a "Brother Jones," a/k/a "Brother," a/k/a "BJ," THOMAS FORMAN, a/k/a "Gaps," ELMER THOMAS MORRIS, JR., a/k/a "Coco," a/k/a "William Barhem," JAMES WHEELINGS, a/k/a "Tippy," a/k/a "Jay Wagner", KENNETH THOMAS, a/k/a "Fat Kenny," a/k/a "China," together with others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

The Objects of the Conspiracy

2. It was part of said conspiracy that said defendants unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute massive quantities of heroin, a Schedule I narcotic drug controlled substance, and cocaine, a Schedule II narcotic drug controlled substance, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

The Means Used By The Defendants
And Their Co-conspirators To
Further The Objects of The
Conspiracy

3. Among the means whereby the defendants and their co-conspirators would and did carry out the objects of the conspiracy and insure the success of their venture to receive and distribute narcotic drugs for profit were the following:

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4. The conspiracy took the form of a loosely-knit business organization with members performing different functions and operating at different levels of responsibility:

(i) At times relevant to this Indictment, the organization was headed by an administrative body of equal partners known as the "Council," which served to organize, supervise and manage the operations of various separate but affiliated narcotics groups. The Council at certain times was composed of the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, as well as Leroy "Nicky" Barnes and Joseph Hayden, a/k/a "Jazz", each of whom at times headed his own narcotics enterprise;

(ii) The Council pooled resources, shared heroin sources, allocated heroin supplies and sales territories, adjudicated disputes among heroin traffickers in the New York metropolitan area and elsewhere and managed the narcotics organizations of incarcerated members;

(iii) Depending on the circumstances, each Council member would at times perform a special role within the conspiracy in addition to that of managing his own narcotics distribution organization:

(a) Leroy Barnes, because of his contacts with heroin importers, frequently provided wholesale quantities of highly pure heroin to other Council members.

(b) GUY THOMAS FISHER assumed Barnes' role upon Barnes' incarceration in 1978.

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(c) FRANK ALPHONSO JAMES played a leading role in the formation of the Council and managed WALLACE RICE's and Joseph Hayden's narcotics organizations during periods in which RICE and Hayden were in jail.

(d) WALLACE RICE, at times acting through his wife Natalie Rice, frequently supplied Council members with ingredients such as quinine and mannitol necessary for the processing of high purity heroin into a product suitable for use by heroin addicts.

(e) ISHMAEL MUHAMMED at times supplied other Council members with cocaine for resale to wholesale and retail customers.

(f) THOMAS FORMAN, in addition to managing a Brooklyn-based narcotics organization, acted as treasurer to the Council by approving the allocation of narcotics profits to pay for goods and services provided to the Council, such as law enforcement intelligence provided by ELMER THOMAS MORRIS, JR.

(g) Joseph Hayden, a/k/a "Jazz", an unindicted member of the Council, managed GUY THOMAS FISHER's narcotics business while FISHER was incarcerated in the period August 1976 through March 1977.

(iv) At times relevant to this Indictment, certain individuals were deemed to be actual or potential witnesses against one or more members of the organization or were deemed to have otherwise failed to fulfill their obligations to

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the organization. It was part of the conspiracy that the Council would approve and/or cause the murder of these individuals.

(v) After the incarceration of Leroy "Nicky" Barnes in 1978, the organization continued with the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED and THOMAS FORMAN sharing heroin sources, information and supplies, exchanging employees and otherwise cooperating with each other.

(vi) At times relevant to this Indictment, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED and THOMAS FORMAN headed separate but interrelated groups of subordinates, known as "crews" consisting of lieutenants, body guards, "hit men", "money washers", heroin processors ("mill workers") and retail distributors. Heroin processors' functions included finding locations for the secure storage of heroin (i.e., "stashs") and processing bulk quantities of high purity heroin into small packages of heavily diluted heroin suitable for use by heroin addicts (i.e., "cutting mills"). Members of these crews included the defendants, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS, among numerous others.

(vii) It was the special role of ELMER THOMAS MORRIS, JR., a former policeman, to provide firearms training to members of the organization and to determine whether certain individuals were cooperating with law enforcement authorities.

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OVERT ACTS

In pursuance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. In or about the period 1973-1975, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED and THOMAS FORMAN, together with Leroy Barnes and Joseph Hayden, possessed multi-kilogram quantities of heroin supplied by Matthew Madonna, a/k/a "Matty."

2. On or about September 30, 1974, GUY FISHER possessed approximately \$103,000 in cash.

3. On or about December 3, 1974, ISHMAEL MUHAMMED, among others, caused the incorporation of an entity known as the Hubba Hubba Club, Inc.

4. On or about January 9, 1975, WALLACE RICE shot Lawrence Billings in the head.

5. On or about January 14, 1975, WALLACE RICE possessed two handguns and approximately \$42,400 in cash.

6. On or about April 23, 1975, ELMER THOMAS MORRIS, JR. caused the incorporation of Kingdom Auto Leasing, Inc.

7. On or about June 20, 1975, WALLACE RICE possessed \$12,000 in cash.

8. On or about August 8, 1975, GUY THOMAS FISHER and ISHMAEL MUHAMMED murdered Oscar Wilson, a/k/a "Chink" and Oswaldo Peterson, a/k/a "Atlantic City Pete" in the Hubba-Hubba Club, 83 West 118th Street, New York, New York.

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9. On or about September 27, 1975, FRANK ALPHONSO JAMES and others murdered Joseph Beechum.

10. On or about December 10, 1975, Stanley Morgan was murdered.

11. In or about the period 1976-1977, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED and THOMAS FORMAN received heroin supplied by Benito Cortina.

12. On or about June 24, 1976, THOMAS FORMAN received a package from Richard Smith in the vicinity of 302 East 126th Street, New York, New York.

13. On or about July 16, 1976, WALLACE RICE possessed approximately 1/8th of a kilogram of heroin.

14. On or about July 29, 1976, GUY THOMAS FISHER and others murdered Carmine Pugliese.

15. In or about the period August through September 1976, GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS and others operated a heroin "cutting mill" at an apartment at Lefrak City, Queens, New York.

16. On or about August 12, 1976, WALLACE RICE possessed approximately 1/8th kilogram of heroin.

17. In or about the period September through October 1976, GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS and others operated a heroin "cutting mill" at Apartment 5-F, 1655 Undercliff Avenue, Bronx, New York.

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18. On or about October 25, 1976, WALLACE RICE, Leroy "Nicky" Barnes, Joseph Hayden, Edward Jones and Alfred Scott possessed two handguns.

19. On or about November 14, 1976, KENNETH THOMAS possessed a pistol equipped with a silencer, lactose and glassine envelopes.

20. On or about November 16, 1976, Richard Miller, a/k/a "Ricky" possessed approximately 440 glassine envelopes of heroin obtained from one of GUY THOMAS FISHER's heroin cutting mills.

21. On December 16, 1976, Wayne Sasso and Brenda Sasso conducted a "money wash" by delivering \$10,000 in small denomination bills to a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity in exchange for \$10,000 in large denomination bills.

22. On January 19, 1977, at the Club 83, 151 Lenox Avenue, New York, New York, Joseph Hayden, a/k/a "Jazz" and Gary Carswell, a/k/a "Bucky Beaver," a/k/a "Gator," conducted a \$47,000 "money wash" with a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

23. On or about March 14, 1977, Waymin Hines, a/k/a "Whop" and Walter Centano, a/k/a "Chico Bob" distributed approximately 892.7 grams (net weight) of heroin to a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

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24. In or about May 1977, GUY THOMAS FISHER, JAMES WHEELINGS and others stored narcotics at Apartment 3-E, 2205 Crescent Avenue, Bronx, New York.

25. In or about the summer of 1977, GUY THOMAS FISHER and JAMES WHEELINGS murdered Ronald Bell at the Kingdom Auto Garage, 1504 Inwood Avenue, Bronx, New York.

26. On or about June 21, 1977, Robert Atkinson, a/k/a "Skeeter", was murdered in the vicinity of Cypress Avenue and 139th Street Bronx, New York.

27. On or about July 8, 1977, FRANK ALPHONSO JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

28. In or about the period August 1977 - June 1980, GUY THOMAS FISHER, ELMER T. MORRIS, JR., and JAMES WHEELINGS operated a heroin "cutting mill" at Apartment 5-A, 600 Burke Avenue, Bronx, New York.

29. On or about August 20, 1977, FRANK ALPHONSO JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

30. In or about the period April through December 1977, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, ISHMAEL MUHAMMED, THOMAS FORMAN and Leroy "Nicky" Barnes discussed plans to murder Robert Geronimo, a prospective witness for the United States in a criminal case.

31. In or about the period October through December 1977, GUY THOMAS FISHER obtained poison for use against Robert Geronimo.

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32. In or about the period 1978-1981, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, ISHMAEL MUHAMMED and THOMAS FORMAN received heroin supplied by Murad Nercessian, a/k/a "Mikey Coco."

33. In or about the period February-March 1979, ISHMAEL MUHAMMED had a discussion with Murad Nercessian, a/k/a "Mikey Coco."

34. On or about February 12, 1978, FRANK ALPHONSO JAMES caused the murder of Russell Laudermilk, a/k/a "Rusty."

35. On or about March 21, 1978, THOMAS FORMAN and FRANK ALPHONSO JAMES met in the vicinity of the Sandwich Oasis, 59 East 125th Street, New York, New York.

36. On or about March 23, 1978, ISHMAEL MUHAMMED and FRANK ALPHONSO JAMES met in the vicinity of the Sandwich Oasis, 59 East 125th Street, New York, New York.

37. On or about April 5, 1978, THOMAS FORMAN and FRANK ALPHONSO JAMES met in the vicinity of the Purple Manor, 125th Street, New York, New York.

38. On or about May 18, 1978, ISHMAEL MUHAMMED met with GUY THOMAS FISHER in the vicinity of the Apollo Theatre, 253 West 125th Street, New York, New York.

39. On or about October 3, 1978, FRANK JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

40. On or about December 4, 1978, GUY THOMAS FISHER met with FRANK JAMES in the vicinity of the Sandwich Oasis, 59 East 125th Street, New York, New York.

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41. On or about May 1, 1979, Natalie Rice, the wife of WALLACE RICE, and Beverly James, the wife of FRANK ALPHONSO JAMES, discussed the purchase of quinine with a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

42. On or about June 2, 1979, Natalie Rice sold approximately 1/8th kilogram of heroin to a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

43. On or about June 6, 1979, Natalie Rice, obtained approximately ten pounds of quinine from a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

44. On or about August 1, 1979, Natalie Rice received delivery of approximately 30 pounds of quinine from a Special Agent of the Drug Enforcement Administration who was then acting in an undercover capacity.

45. On or about August 9, 1979, FRANK ALPHONSO JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

46. On or about August 20, 1979, Natalie Rice visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

47. On or about September 14, 1979, GUY THOMAS FISHER met with Murad Nercessian, in the vicinity of the Deegan Motel, 236th Street and Bailey Avenue, Bronx, New York.

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48. On or about October 11, 1979, ISHMAEL MUHAMMED met with GUY THOMAS FISHER in the vicinity of the Apollo Theatre, 253 West 125th Street, New York, New York.

49. On or about October 31, 1979, GUY THOMAS FISHER and others met with Murad Nercessian and William Castaldi, a/k/a "Willie" in the vicinity of 3700 Jerome Avenue, Bronx, New York.

50. On or about November 1, 1979, ISHMAEL MUHAMMED possessed an operable firearm.

51. On or about December 4, 1979, GUY THOMAS FISHER met with Murad Nercessian.

52. On or about December 15, 1979, Natalie Rice visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

53. On or about January 4, 1980, GUY THOMAS FISHER and another provided a package to Murad Nercessian.

54. On or about January 11, 1980, Natalie Rice and John Waters, a/k/a "Sugar", possessed approximately 110.73 grams of heroin. (As 1, 13, 14, 15)

55. In or about the period June 1980 through February 1981, JAMES WHEELINGS operated a heroin "cutting mill" at 217 East Mount Eden Avenue, Bronx, New York.

56. In or about June 1980, ISHMAEL MUHAMMED visited Leroy "Nicky" Barnes at the United States Penitentiary, Marion, Illinois.

57. In or about September 1980, FRANK ALPHONSO JAMES visited Leroy "Nicky" Barnes at the United States Penitentiary, Marion, Illinois.

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58. On or about August 7, 1980, FRANK ALPHONSO JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

59. On or about September 30, 1980, Helen Jones, a/k/a "Helen Muhammed" a/k/a "Yvonne Bolling", the wife of ISHMAEL MUHAMMED, possessed approximately three pounds of quinine, a handgun, and approximately \$6,104 in cash.

60. In or about the period January through July 1981, JAMES WHEELINGS operated a heroin "cutting mill" at Apartment 5-C, 2305 Sedgwick Avenue, Bronx, New York.

61. In or about the period May through June 1981 THOMAS FORMAN distributed heroin to another individual.

62. On or about June 24, 1981, GUY THOMAS FISHER provided Ronald Spencer, a/k/a "Tex," with approximately 1748.3 grams (net weight) of heroin.

63. On or about July 12, 1981, FRANK ALPHONSO JAMES visited Leroy "Nicky" Barnes at the United States Penitentiary, Terre Haute, Indiana.

64. On or about August 3, 1981, GUY THOMAS FISHER participated in a narcotics transaction in the vicinity of 148th Street and College Avenue, New York, New York.

65. In or about the period September 1981 through early 1983, JAMES WHEELINGS and KENNETH THOMAS operated a heroin "cutting mill" at Apartment 6-A, 1740 Mulford Avenue, Bronx, New York.

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66. On or about September 3, 1981, FRANK ALPHONSO JAMES visited Leroy "Nicky" Barnes at the United States Penitentiary, Terre Haute, Indiana.

67. On or about February 20, 1982, FRANK ALPHONSO JAMES met with WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

68. On or about May 19, 1982, FRANK ALPHONSO JAMES visited WALLACE RICE at Ossining Correctional Facility, Ossining, New York.

69. On or about July 7, 1982, FRANK ALPHONSO JAMES met with Pasquale Inglese.

70. In or about October 7-8, 1982, FRANK ALPHONSO JAMES visited Leroy "Nicky" Barnes at the United States Penitentiary, Terre Haute, Indiana.

71. On or about October 13, 1982, FRANK ALPHONSO JAMES and WALLACE RICE negotiated to buy heroin from Special Agents of the Drug Enforcement Administration who were then acting in undercover capacities.

72. On or about October 14, 1982, FRANK ALPHONSO JAMES possessed approximately one gram of heroin.

73. On or about October 18, 1982, FRANK ALPHONSO JAMES possessed a .38 caliber Smith & Wesson revolver.

74. On or about March 3, 1983, ELMER THOMAS MORRIS, JR. possessed a pistol, false identification, cocaine and 46 glassine envelopes containing heroin.

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75. On or about March 9, 1983, ELMER THOMAS MORRIS, JR. possessed a cocaine press and other narcotics paraphernalia.

76. On or about March 9, 1983, JAMES WHEELINGS' possessed a bullet-proof vest.

77. On or about March 9, 1983, KENNETH THOMAS possessed narcotics paraphernalia.

78. On or about March 10, 1983, GUY THOMAS FISHER, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS were present during a discussion of efforts to murder Leroy "Nicky" Barnes.

(Title 21, United States Code, Section 846.)

COUNT TWO

CONTINUING CRIMINAL ENTERPRISE (GUY THOMAS FISHER)

The Grand Jury further charges:

1. From on or about January 1, 1972 and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendant, GUY THOMAS FISHER, a/k/a "Radio," a/k/a "Stick," unlawfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) 841(b)(1)(B) and 841(b)(5) as alleged in Counts One, Seven, and paragraphs 24, 25 and 29 of Count Thirteen of this Indictment, which are incorporated by reference herein, and did commit other violations of said statutes, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in

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concert with at least five other persons, with respect to whom GUY THOMAS FISHER, a/k/a "Radio," a/k/a "Stick," the defendant, occupied a position of organizer, supervisor and manager and from which continuing series of violations the defendant, GUY THOMAS FISHER, a/k/a "Radio," a/k/a "Stick," obtained substantial income and resources.

(Title 21, United States Code, Section 848.)

COUNT THREE

CONTINUING CRIMINAL ENTERPRISE (FRANK JAMES)

The Grand Jury further charges:

1. From on or about January 1, 1972 and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendant, FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James", unlawfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) 841(b)(1)(A) and 844, as alleged in Counts One, Eight and Nine of this Indictment, which are incorporated by reference herein, and did commit other violations of said statutes, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom, the defendant. FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James", occupied a position of organizer, supervisor

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and manager and from which continuing series of violations, the defendant, FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James", obtained substantial income and resources.

2. As a result of profits obtained by the defendant, FRANK ALPHONSO JAMES, a/k/a "Black Frank", a/k/a "Alphonso James", in such continuing criminal enterprise, the defendant did purchase, obtain and maintain interests in property (including the property described below) and such property afforded the defendant a source of influence over such enterprise, which property is subject to forfeiture to the United States of America:

(i) A private residence, all fixtures and furnishings therein, swimming pool and grounds located at 19 Dover Court, Bergenfield, New Jersey.

(ii) A commercial building and all fittings and fixtures therein located at 59 East 125th Street, New York, New York.

(iii) One 1980 American Motors Jeep Cherokee, New Jersey registration no. 254-NLU, VIN JOE18NN063479.

(iv) One 1978 black BMW, New Jersey registration no. 395-NAK, VIN 5785292, registered in the name of FRANK JAMES.

(iv) One 1977 black BMW, New Jersey registration no. 291-GMB, VIN B11AE5X135341, registered in the name of Beverly James, 34 State Street, Newark, New Jersey.

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(vi) One 1977 black BMW, New Jersey registration no. 962-KPA, registered in the name of Beverly James, 34 State Street, Newark, New Jersey.

(Title 21, United States Code, Section 848.)

COUNT FOUR

CONTINUING CRIMINAL ENTERPRISE (WALLACE RICE)

The Grand Jury further charges:

1. From on or about January 1, 1968 and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendant, WALLACE RICE, unlawfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), as alleged in Counts One and Eight of this Indictment, which are incorporated by reference herein, and did commit other violations of said statutes, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant, WALLACE RICE, occupied a position of organizer, supervisor and manager and from which continuing series of violations, the defendant, WALLACE RICE, obtained substantial income and resources.

2. As a result of the profits obtained by the defendant, WALLACE RICE, in such continuing criminal enterprise, the defendant did purchase, obtain and maintain interests in property (including the property described below) and such

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property afforded the defendant a source of influence over such enterprise, which property is subject to forfeiture to the United States of America:

(i) A private residence, all fixtures and furnishings therein and grounds located at 175 Kingsbridge Road, Mt. Vernon, New York.

(ii) An apartment building located at 126 West 124th Street, New York, New York.

(iii) An apartment building located at 25 West 123rd Street, New York, New York.

(iv) An apartment building located at 226 West 122nd Street, New York.

(v) An apartment building located at 218 Lenox Avenue, New York, New York.

(Title 21, United States Code, Section 848.)

COUNT FIVE

CONTINUING CRIMINAL ENTERPRISE (ISHMAEL MUHAMMED)

The Grand Jury further charges:

1. From on or about January 1, 1972 and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, the defendant, ISHMAEL MUHAMMED, a/k/a "Samuel Jones," a/k/a "Brother Jones," a/k/a "Brother", a/k/a "BJ", unlawfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, wilfully, intentionally and knowingly did violate Title 21, United States Code, Sections

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841(a)(1) and 841(b)(1)(A), as alleged in Count One of this Indictment, which is incorporated by reference herein, and did commit other violations of said statutes, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant, ISHMAEL MUHAMMED, a/k/a "Samuel Jones," a/k/a "Brother," a/k/a "Brother Jones", a/k/a "BJ", occupied a position of organizer, supervisor and manager and from which continuing series of violations, the defendant, ISHMAEL MUHAMMED, a/k/a "Samuel Jones," a/k/a "Brother Jones", a/k/a "Brother," a/k/a "BJ", obtained substantial income and resources.

2. As a result of profits obtained by the defendant ISHMAEL MUHAMMED, a/k/a "Samuel Jones", a/k/a "Brother Jones", a/k/a "Brother," a/k/a "BJ", in such continuing criminal enterprise, the defendant did purchase, obtain and maintain interests in property (including the property described below) and such property afforded the defendant a source of influence over such enterprise, which property is subject to forfeiture to the United States of America:

(i) One private residence, all fixtures and furnishings and grounds located at 53 Campau Place, Bergenfield, New Jersey.

(ii) One 1975 Mercedes Benz, New Jersey registration 777-SPS, registered in the name of Buco Capital, Inc., 737 South 18th Street, Newark, New Jersey.

(Title 21, United States Code, Section 848.)

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COUNT SIX

CONTINUING CRIMINAL ENTERPRISE (THOMAS FORMAN)

The Grand Jury further charges:

1. From on or about January 1, 1972 and continuously thereafter up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendant, THOMAS FORMAN, a/k/a "Gaps," unlawfully, intentionally and knowingly did engage in a continuing criminal enterprise in that he unlawfully, intentionally and knowingly did violate Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), as alleged in Count One of this indictment, which is incorporated by reference herein, and did commit other violations of said statutes, which violations were part of a continuing series of violations of said statutes undertaken by the defendant in concert with at least five other persons with respect to whom the defendant THOMAS FORMAN, a/k/a "Gaps," occupied a position of organizer, supervisor and manager and from which continuing series of violations, THOMAS FORMAN, a/k/a "Gaps," the defendant, obtained substantial income and resources.

2. As a result of profits obtained by the defendant THOMAS FORMAN, a/k/a "Gaps", in such continuing criminal enterprise, the defendant did purchase, obtain and maintain interests in property (including the property described below) and such property afforded the defendant a source of influence over such enterprise, which property is subject to forfeiture to the United States of America:

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(i) A two-family residence located at 304 Beach 48th Street, Far Rockaway, Queens, New York.

(ii) One 1974 Audi, New York registration 321-AFR, VIN 8141105439.

(iii) One 1976 Alfa Romeo, New York registration "TEES DEE", VIN AR3048431.

(Title 21, United States Code, Section 848.)

COUNT SEVEN

GUY FISHER'S DISTRIBUTION OF HEROIN

The Grand Jury further charges:

On or about June 24, 1981, in the Southern District of New York, the defendant GUY THOMAS FISHER, a/k/a "Radio", a/k/a "Stick", unlawfully, intentionally and knowing did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, 1748.3 grams (net weight) of heroin and diluents.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

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COUNT EIGHT

FRANK JAMES AND WALLACE RICE'S DISTRIBUTION OF HEROIN

The Grand Jury further charges:

On or about October 14, 1982, in the Southern District of New York, the defendants, FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James," and WALLACE RICE, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one gram (net weight) of heroin and diluents.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT NINE

FRANK JAMES' POSSESSION OF COCAINE

The Grand Jury further charges:

On or about of October 18, 1982, in the Southern District of New York, the defendant, FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James," unlawfully, intentionally and knowingly did possess a controlled substance, to wit, approximately 1.12 grams of cocaine.

(Title 21, United States Code, Sections 812, 844.)

COUNT TEN

FRANK JAMES' UNLAWFUL POSSESSION OF A PISTOL

The Grand Jury further charges:

Sometime prior to October 18, 1982, in the Southern District of New York, the defendant, FRANK ALPHONSO JAMES, a/k/a "Black Frank," a/k/a "Alphonso James," being a person who had

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previously been convicted in the Courts of the State of New York of a crime punishable by imprisonment for a term exceeding one year, did unlawfully, wilfully and knowingly, receive a firearm which had been shipped and transported in interstate commerce, to wit, a .38 caliber Smith & Wesson Revolver, serial number J975839.

(Title 18, United States Code, Sections 922(h) and 2.)

COUNT ELEVEN

ELMER MORRIS' POSSESSION
OF 46 PACKAGES OF HEROIN

The Grand Jury further charges:

On or about March 3, 1983 in the Southern District of New York, the defendant ELMER THOMAS MORRIS, JR., a/k/a "Coco", a/k/a "William Barhem" unlawfully, wilfully and knowingly did possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 46 glassine envelopes containing heroin and diluents.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT TWELVE

ELMER MORRIS' USE OF A PISTOL

The Grand Jury further charges:

On or about March 3, 1983, in the Southern District of New York, the defendant ELMER THOMAS MORRIS, JR., a/k/a "Coco", a/k/a "William Barhem," unlawfully, wilfully and knowingly did carry a firearm during the commission of a felony for which he

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may be prosecuted in a Court of the United States, to wit, the possession with intent to distribute of a Schedule I narcotic drug controlled substance as charged in Count Eleven above.

(Title 18, United States Code, Section 924(c)(2).)

COUNT THIRTEEN

RACKETEERING CONSPIRACY

The Grand Jury further charges:

1. From in or about 1972 up to the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendants, GUY THOMAS FISHER, a/k/a "Radio", a/k/a "Stick", FRANK ALPHONSO JAMES, a/k/a "Black Frank", a/k/a "Alphonso James", WALLACE RICE, ISHMAEL MUHAMMED, a/k/a "Samuel Jones", a/k/a "Brother Jones", a/k/a Brother", a/k/a "BJ", THOMAS FORMAN, a/k/a "Gaps", ELMER THOMAS MORRIS, JR., a/k/a "Coco", a/k/a "William Barhem," JAMES WHEELINGS, a/k/a "Tippy", a/k/a "Jay Wagner", KENNETH THOMAS, a/k/a "Fat Kenny", a/k/a "China", and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not as a defendant, unlawfully, wilfully and knowingly combined, conspired confederated and agreed together and with each other to violate the racketeering laws of the United States, specifically Section 1962(c) of Title 18, United States Code.

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The Objects of the Conspiracy

2. It was a part of the conspiracy that the defendants GUY THOMAS FISHER, a/k/a "Radio", a/k/a "Stick", FRANK ALPHONSO JAMES, a/k/a "Black Frank", a/k/a "Alphonso James", WALLACE RICE, ISHMAEL MUHAMMED, a/k/a "Samuel Jones", a/k/a "Brother Jones", a/k/a "BJ", THOMAS FORMAN, a/k/a "Gaps", ELMER THOMAS MORRIS, JR., a/k/a "Coco", a/k/a "William Barhem," JAMES WHEELINGS, a/k/a "Tippy", a/k/a "Jay Wagner", and KENNETH THOMAS, a/k/a "Fat Kenny", a/k/a "China" would and did conduct and participate, directly and indirectly, in the affairs of an "enterprise" as defined in Title 18, United States Code, Section 1961(4), namely, a group of individuals associated in fact for the purpose of making money in illegal trafficking in narcotics and other dangerous drugs through processing and distribution of such drugs, murder, and other unlawful means, which enterprise would and did operate in Brooklyn, the Bronx and Manhattan, amongst other locations, which enterprise would be and was engaged in and the activities of which would and did affect interstate commerce through a pattern of racketeering activity as set forth in paragraphs 4-39 of this Count.

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The Pattern of Racketeering Activity

3. It was a part of the conspiracy to violate the racketeering laws that the defendants would and did participate in the enterprise through a pattern of racketeering activity as defined by Title 18, United States Code, Sections 1961(1)(A), 1961(1)(D) and 1961(5) which pattern would and did consist of the following racketeering acts:

The Council's Receipt of Heroin
from Matthew Madonna, a/k/a "Matty"

4. In or about the period 1973-1975, in the Southern District of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, and THOMAS FORMAN did unlawfully, intentionally and knowingly distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin supplied by Matthew Madonna, a/k/a "Matty," in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

The Shooting of Lawrence Billings ✓

5. On or about January 9, 1975, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED and THOMAS FORMAN, and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not as a defendant, would and did unlawfully, wilfully and knowingly attempt through WALLACE RICE to murder Lawrence Billings, a/k/a "Lawrence Dixon", in violation of State law, to wit, Sections 125.25 and 110 of the New York Penal Law.

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The Murders of Oswald Peterson and Oscar Wilson - *use Title*

6. On or about August 8, 1975, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly, through GUY THOMAS FISHER and ISHMAEL MUHAMMED, would and did murder Oswald Peterson, a/k/a "Atlantic City Pete" in violation of State law, to wit, Section 125.25 of the New York Penal Law.

7. On or about August 8, 1975 in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN and ELMER THOMAS MORRIS, JR. and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly, through GUY THOMAS FISHER and ISHMAEL MUHAMMED, would and did murder Oscar Wilson, a/k/a "Chink", in violation of State law, to wit, Section 125.25 of the New York Penal Law. *and others named*

The Murder of Joseph Beechum ✓

8. On or about September 27, 1975, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR. and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly through

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FRANK ALPHONSO JAMES and others, would and did murder Joseph Beechum in violation of State law, to wit, Section 125.25 of the New York Penal Law.

The Murder of Stanley Morgan

9. On or about December 10, 1975, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, and THOMAS FORMAN and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly, through Solomon Glover, would and did murder Stanley Morgan in violation of State law, to wit, Section 125.25 of the New York Penal Law.

The Heroin Supplied by Benito Cortina

10. In or about the period 1976-1977, in the Southern District of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS, unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of "brown" heroin supplied by Benito Cortina, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 21, United States Code, Section 2.

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The Heroin Distributed through
Richard Miller, a/k/a "Ricky"

11. On or about November 16, 1976, in the Southern District of New York, the defendants GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., and JAMES WHEELINGS would and did aid and abet Richard Miller, a/k/a "Ricky" to distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, 448 glassine envelopes of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Wallace Rice's Distribution of Heroin

12. On or about July 16, 1976, in the Southern District of New York, the defendant WALLACE RICE unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-eighth kilogram of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

13. On or about August 12, 1976, in the Southern District of New York, the defendant WALLACE RICE unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one-eighth kilogram of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841 (b)(1)(A).

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The Murder of Carmine Pugliese

14. On or about July 29, 1976, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR. and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly, through GUY THOMAS FISHER and others would and did murder Carmine Pugliese, in violation of State law, to wit, Section 125.25 of the New York Penal Law.

The Heroin Processing "Mill"
at Lefrak City

15. In or about the period August through September 1976, in the Eastern District of New York, the defendants, GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR.; JAMES WHEELINGS, and KENNETH THOMAS unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute, a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents processed at an apartment at Lefrak City, Queens, New York in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Heroin Processing "Mill" at
Elmer Thomas Morris' Apartment

16. In or about the period September through October 1976, in the Southern District of New York, GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS

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unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents processed at the apartment of ELMER THOMAS MORRIS, JR., Apt. 5-F, 1655 Undercliff Avenue, Bronx, New York, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and Title 18, United States Code, Section 2.

The Heroin Supplied by Murad Nercessian,
a/k/a "Mikey Coco," ✓

17. In or about the period 1977-1981, in the Southern District of New York the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents supplied by Murad Nercessian, a/k/a "Mikey Coco," in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Murder of Ronald Bell ✓

18. In or about the summer of 1977, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, JAMES WHEELINGS

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and others to the Grand jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly, through GUY THOMAS FISHER and JAMES WHEELINGS, would and did murder Ronald Bell in violation of State law, to wit, Section 125.25 of the New York Penal Law.

The Murder of Robert Atkinson, a/k/a "Skeeter"

19. In or about June 21, 1977, in the State of New York, the defendants GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN, JAMES WHEELINGS and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not as a defendant, unlawfully, wilfully and knowingly would and did murder Robert Atkinson, a/k/a "Skeeter" in violation of State law, to wit Section 125.25 of the New York Penal Law.

Waymin Hines and Walter Centano's
Distribution of 892.7 grams of Heroin

20. On or about March 14, 1977, in the Southern District of New York, the defendants GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS did aid and abet Waymin Hines, a/k/a "Whop," and Walter Centano, a/k/a "Chico Bob", both of whom are named herein as co-conspirators but not defendants, to distribute and possess with intent to distribute a

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Schedule I narcotic drug controlled substance, to wit, approximately 892.7 grams (net weight) of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Burke Avenue Heroin Processing Mill

21. In or about the period August 1977 through June 1980 in the Southern District of New York, the defendants GUY THOMAS FISHER, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS and KENNETH THOMAS unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents processed at Apartment 5-A, 600 Burke Avenue, Bronx, New York, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Conspiracy to Murder Robert Geronimo ✓

22. It was a further part of the aforesaid conspiracy that from on or about the period April through December 1977, in the State of New York, the defendants, GUY THOMAS FISHER, FRANK JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN and and JAMES WHEELINGS and others to the Grand Jury known and unknown, unlawfully, wilfully and knowingly would murder Robert Geronimo, in violation of violation of State law, to wit, Sections 125.25 and 110 of the New York Penal Law.

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The Murder of Russell Lauder milk, a/k/a "Rusty"

23. On or about February 12, 1978, in the State of New York, the defendant FRANK JAMES would and did unlawfully, wilfully and knowingly cause the murder of Russell Lauder milk, a/k/a "Rusty", in violation of State law, to wit, Section 125.25 of the New York Penal Law.

The Sale of Phencyclidine ("PCP," "Angel Dust") to an Undercover DEA Agent

24. On or about January 19, 1979, in the Southern District of New York, James Brown, named herein as a co-conspirator but not a defendant, aided and abetted by the defendant GUY THOMAS FISHER, unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule III drug controlled substance, to wit, approximately 424.47 grams (net weight) of Phencyclidine ("PCP," "Angel Dust") in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(5) and Title 18, United States Code, Section 2.

25. On or about March 13, 1979, in the Southern District of New York, James Brown, named herein as a co-conspirator but not a defendant, aided and abetted by the defendant GUY THOMAS FISHER, unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule III drug controlled substance, to wit, approximately 632.09 grams (net weight) of Phencyclidine ("PCP", "Angel Dust") in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(5) and Title 18, United States Code, Section 2.

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Heroin Sales by Wallace Rice's Wife

26. On or about June 2, 1979, in the Southern District of New York, the defendant WALLACE RICE, unlawfully, intentionally and knowingly would and did aid and abet Natalie Rice and Archie Phillips, named herein as co-conspirators but not defendants, to distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 123.58 grams (net weight) of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

27. On or about January 11, 1980, in the Southern District of New York, the defendant WALLACE RICE, unlawfully, intentionally and knowingly would and did aid and abet Natalie Rice, Archie Phillips and John Waters, a/k/a "Sugar," named herein as co-conspirators but not defendants, to distribute and possess with intent to distribute, a Schedule I narcotic drug controlled substance, to wit, approximately 110.73 grams (net weight) of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Sedgwick Avenue Heroin
Processing "Mill"

28. In or about the period January through July 1981 in the Southern District of New York, the defendant JAMES WHEELINGS unlawfully, intentionally and knowingly would and did

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distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin processed at Apartment 5-C, 2305 Sedgwick Avenue, Bronx, New York, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Elmer Morris' Attempt to Purchase
500 Pounds of Marijuana

29. On or about April 2, 1981, in the District of Maryland, the defendants GUY THOMAS FISHER and ELMER THOMAS MORRIS, JR., unlawfully, intentionally and knowingly would and did attempt to distribute and possess with intent to distribute a Schedule I drug controlled substance, to wit, approximately 500 pounds of marijuana in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

Guy Fisher's Distribution of 3,000
Grams of Heroin to Ronald Spencer
a/k/a "Tex"

30. On or about June 24, 1981, in the Southern District of New York, the defendant GUY THOMAS FISHER, unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit approximately 1748.3 grams (net weight) of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

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Thomas Forman's Distribution Of Heroin

31. In or about the period May - June 1981, in the Eastern District of New York, THOMAS FORMAN, unlawfully intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, quantities of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Mount Eden Avenue
Heroin Processing "Mill"

32. In or about the period June through December 1981, in the Southern District of New York, the defendant JAMES WHEELINGS unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents processed at Apartment 4-H, 218 East Mount Eden Avenue, Bronx, New York in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

The Mulford Avenue
Heroin Processing "Mill"

33. In or about the period September 1981 through 1982, in the Southern District of New York, the defendant JAMES WHEELINGS unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram

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quantities of heroin and diluents processed at Apartment 6-A, 1740 Mulford Avenue, Bronx, New York in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Frank Alphonso James and Wallace Rice's Attempt
to Purchase Multi-Kilogram Quantities of Heroin
From An Undercover DEA Agent

34. In or about the period October 1982, in the Southern District of New York, the defendants FRANK ALPHONSO JAMES and WALLACE RICE, unlawfully, intentionally and knowingly would and did attempt to distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, multi-kilogram quantities of heroin and diluents, in violation of Title 21, United States Code, Section 846.

35. On or about October 14, 1982, in the Southern District of New York, the defendants FRANK JAMES and WALLACE RICE, unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately one gram of heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Elmer Morris' Possession of
46 "Quarters" of Heroin

36. On or about March 3, 1983, in the Southern District of New York, the defendant ELMER THOMAS MORRIS, JR.,

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unlawfully, intentionally and knowingly would and did possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 46 glassine envelopes containing heroin and diluents in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Kenneth Thomas' Possession of Narcotics
Paraphernalia at the Mulford Avenue Apartment

37. In or about the period February through March 10, 1983, in the Southern District of New York, the defendant, KENNETH THOMAS, a/k/a "Fat Kenny," a/k/a "China" unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, unknown quantities of heroin and diluents at Apartment 6-A, 1740 Mulford Avenue, Bronx, New York, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Elmer Morris' Possession of Cocaine
and Narcotics Paraphernalia at the
1655 Undercliff Avenue Apartment

38. On or about the period February through March 10, 1983, in the Southern District of New York, the defendant ELMER THOMAS MORRIS, JR., a/k/a "Coco," unlawfully, wilfully and knowingly would and did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, unknown quantities of cocaine and diluents processed at

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Apartment 5-F, 1655 Undercliff Avenue, Bronx, New York, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

The Conspiracy to Murder
Leroy "Nicky" Barnes

39. It was a further part of the aforesaid conspiracy that from on or about March 10, 1983 up to the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendants GUY THOMAS FISHER, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., and JAMES WHEELINGS unlawfully, wilfully and knowingly would murder Leroy "Nicky" Barnes in violation of State law, to wit, Sections 125.25 and 110 of the New York Penal Law.

OVERT ACTS

40. In pursuance of the conspiracy and to effect the objects thereof, the overt acts alleged in Count One of this Indictment, which overt acts are incorporated by reference herein as well as the racketeering acts alleged in paragraphs 4-39 of this Count, among other overt acts, were committed in the Southern District of New York and elsewhere.

FORFEITURE

41. As a result of the violation of Title 18, United States Code, Section 1962(d) as set forth in this Count, the defendants acquired and maintained an interest in the property described in Paragraph 2 of Counts Three through Six of this Indictment, and in the property described below:

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(i) One blue 1983 Datsun, New York registration 3332-ARA; VIN JN1HU0158DT074572, registered in the name of Madelyn Wheelings, 291 East 143 Street, Bronx, New York.

(ii) One grey 1982 Datsun 280-Z, New York registration 3333-ARA, VIN JN1H20658D4501686, registered in the name of Madelyn Wheelings, 2180 Bronx Park East, Bronx, New York.

(iii) One grey 1982 Toyota, New York registration 7014-ALN, VIN JT2RA64C5C6073872, registered in the name of Madelyn Wheelings, 291 East 143rd Street, Bronx, New York.

(Title 18, United States Code, Section 1962(d).)

COUNT FOURTEEN

RACKETEERING ENTERPRISE

The Grand Jury further charges:

1. From in or about 1972 up to the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendants GUY THOMAS FISHER, a/k/a "Radio", a/k/a "Stick", FRANK ALPHONSO JAMES, a/k/a "Black Frank", a/k/a "Alphonso James", WALLACE RICE, ISHMAEL MUHAMMED, a/k/a "Samuel Jones", a/k/a "Brother Jones", a/k/a "Brother," a/k/a "BJ", THOMAS FORMAN, a/k/a "Gaps," ELMER THOMAS MORRIS, JR., a/k/a "Coco," a/k/a "William Barhem," JAMES WHEELINGS, a/k/a "Tippy", a/k/a "Jay Wagner", KENNETH THOMAS, a/k/a "Fat Kenny", a/k/a "China" and others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes, named herein as a co-conspirator but not a defendant, being employed by and associated with the enterprise described in paragraph 2 of Count Thirteen, which

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paragraph is specifically incorporated by reference herein, did unlawfully, wilfully and knowingly conduct and participate, directly and indirectly, in the affairs of that enterprise which was engaged in and the activities of which affected interstate commerce through a pattern of racketeering consisting of the acts set forth in paragraphs 4 through 21 and 23-38 of Count Thirteen of this Indictment, which paragraphs are specifically incorporated by reference herein.

2. Forfeiture

As a result of the violation of Title 18, United States Code, Section 1962(c) as set forth in this Count, the defendants acquired and maintained an interest in the property described in Paragraph 2 of Counts Three through Six and in Paragraph 41 of Count Thirteen, which paragraphs are specifically incorporated by reference herein.

(Title 18, United States Code, Section 1962(c)).

COUNT FIFTEEN

CONSPIRACY TO MURDER GOVERNMENT WITNESSES

The Grand Jury further charges:

1. From on or about January 1, 1972 and continuously thereafter, up to and including the date of the filing of this Indictment, in the Southern District of New York and elsewhere, the defendants GUY THOMAS FISHER a/k/a "Radio", a/k/a "Stick", FRANK ALPHONSO JAMES a/k/a "Black Frank", a/k/a "Alphonso James", WALLACE RICE, ISHMAEL MUHAMMED a/k/a "Samuel Jones", a/k/a "Brother," a/k/a "Brother Jones", a/k/a "BJ", THOMAS FORMAN, a/k/a "Gaps," ELMER THOMAS MORRIS, JR., a/k/a "Coco," JAMES

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WHEELINGS, a/k/a "Tippy," a/k/a "Jay Wagner", together with others to the Grand Jury known and unknown, including Leroy "Nicky" Barnes named herein as a co-conspirator but not a defendant, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 241 of Title 18, United States Code.

2. It was part of said conspiracy that said defendants unlawfully, wilfully and knowingly would and did murder, injure, oppress, threaten and intimidate citizens in the free exercise and enjoyment of a right and privilege secured to them by the Constitution and the laws of the United States, namely the right to be witnesses against the defendants, in violation of Section 241 of Title 18, United States Code.

3. Deaths resulted from said conspiracy, including those of Oswald Peterson, a/k/a "Atlantic City Pete," Oscar Wilson, a/k/a "Chink," Joseph Beechum and Carmine Pugliese.

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

1. On or about January 9, 1975, WALLACE RICE shot Lawrence Billings in the head.

2. On or about August 8, 1975, GUY THOMAS FISHER and ISHMAEL MUHAMMED, acting on information provided by ELMER THOMAS MORRIS, JR., murdered Oswald Peterson and Oscar Wilson.

3. On or about September 27, 1975, FRANK ALPHONSO JAMES murdered Joseph Beechum in a moving vehicle, while Joseph

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Hayden a/k/a "Jazz" and Leon Batts, a/k/a "Scrap", travelled together in a second "back-up" vehicle.

4. On or about July 29, 1976, GUY THOMAS FISHER, and Joseph Hayden murdered Carmine Pugliese, aided and abetted by Leon Batts.

5. In or about the period April through December 1977, GUY THOMAS FISHER, FRANK ALPHONSO JAMES, WALLACE RICE, ISHMAEL MUHAMMED, THOMAS FORMAN and JAMES WHEELINGS discussed plans to murder Robert Geronimo.

6. In or about the period October through December 1977, Guy Thomas Fisher obtained poison for use against Robert Geronimo.

7. In or about 1978, FRANK ALPHONSO JAMES discussed with Leroy "Nicky" Barnes plans to murder three witnesses in certain state and federal trials.

8. On or about March 10, 1983, GUY THOMAS FISHER, ISHMAEL MUHAMMED, THOMAS FORMAN, ELMER THOMAS MORRIS, JR., JAMES WHEELINGS, and Kenneth Thomas and others were present at a discussion of plans to murder Leroy "Nicky" Barnes.

(Title 18, United States Code, Section 241.)

FOREMAN

RUDOLPH W. GIULIANI
United States Attorney